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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,836	12/08/2000	Edwin H. Wrench JR.	0918.0011C	1865

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EXAMINER

FIELDS, COURTNEY D

ART UNIT PAPER NUMBER

2137

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/731,836	WRENCH, EDWIN H.	
	Examiner	Art Unit	
	Courtney D. Fields	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2,5</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-10,13-14,16-18,20-29,31-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Talmor et al. (U.S. Patent No. 6,510,415).

Referring to the rejection of claims 1,12,16,20, and 31, Talmor et al. discloses a system and method for facilitating secure communications over a network by receiving voice signals comprising a security module to facilitate retrieval of information from the user in the form of voice signals and to identify security related information received by the network interface from a secure network site in response to accessing the secure network site in Column 6, lines

25-56, a storage unit to store voice and security information associated with authorized users of the system in Column 6, lines 57-67, and a security system in communication with the security module and the storage unit to verify the user as an authorized system user based on a comparison of the user voice signals with the stored voice information and to retrieve the security information of the verified user from the storage unit and negotiate communications parameters with the secure network site in response to the identified security information received from the security module to facilitate secure communications over the network between that site and the network interface in Column 7, lines 25-37, Column 8, lines 39-67, and Column 9, lines 1-24.

As per claims 2,21,32, and 35, Talmor et al. discloses the claimed limitation wherein the network includes the Internet in Column 7, lines 48-50.

As per claims 3,22,33, and 36, Talmor et al. discloses the claimed limitation wherein the network interface is in communication with a communications device located remotely of the network interface, and the security module facilitates retrieval of the user voice signals from the communications device in Column

As per claims 4 and 23, Talmor et al. discloses the claimed limitation wherein the communications device includes a telephone in Column 7, lines 38-48.

As per claims 5 and 24, Talmor et al. discloses the claimed limitation wherein the communications device include a computer system having an audio input device in Column 7, lines 48-60.

As per claims 6 and 25, Talmor et al. discloses the claimed limitation wherein the audio input device includes a microphone in Column 7, lines 66-67, Column 8, lines 1-25.

As per claims 7, 13, 17, and 26, Talmor et al. discloses the claimed limitation wherein an identification module to identify the security related information received by the network interface from the secure network site in Column 7, lines 25-37, a communications module to facilitate communications with the security system and the network interface in Column 7, lines 38-48, wherein the communications module includes a send module to provide the user information and the identified security information to the security system to facilitate verification of the user and negotiation of the communication parameters, a receive module to receive a request for the user information, verification results, responses to the identified security information and the negotiated communication parameters from the security system in Column 8, lines 32-67, Column 9, lines 1-25, an interface module for providing the responses and the negotiated parameters to the network interface to facilitate secure communications over the network between the secure network site and the network interface and a user interface module to facilitate the user information request for retrieval of the user information and to provide the verification results to the user in Column 11, lines 25-62.

As per claims 8, 14, 18, and 27, Talmor et al. discloses the claimed limitation wherein an identification verification module to validate an identification within the user information associated with an authorized system user Column 7, lines 25-

37, an access module to retrieve the voice information from the storage unit associated with the identification in Column 9, lines 3-7, a selection module to select portions of the retrieved voice information and generate the user information request, wherein the generated request includes a request for user information corresponding to the selected portions of the retrieved voice information, a voice verification module to verify the user by comparing the user voice signals received from the security module in response to the user information request with the stored voice information associated with an authorized user identified by the identification, a security access module to retrieve security information for the verified user from the user storage unit, a security negotiation module to process the identified security information received from the security module and generate the responses thereto with the retrieved security information to negotiate the communication parameters, a security communications module to facilitate communications with the security module wherein the security communications module includes as security send module to provide the user information request the verification results, the generated responses and the negotiated parameters to the security module and a security receive module to receive the user voice signals and the identified security information from the security module in Column 13, lines 65-67, Column 14, lines 1-27.

As per claims 9 and 28, Talmor et al. discloses the claimed limitation wherein the storage unit includes a database in Column 9, lines 14-16, Column 10, lines 50-59.

As per claims 10 and 29, Talmor et al. discloses the claimed limitation wherein the stored security information includes private keys and certificates of the authorized system users in Column 14, lines 3-17.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 11,15,19, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talmor et al. (U.S. Patent No. 6,510,415) in view of Heck (U.S. Patent No. 6,671,672). As per claims 1,12,16, and 20, Talmor et al. discloses the invention as substantially claimed. However, Talmor et al. does not explicitly disclose the feature of an enrollment module. As per claims 11,15,19, and 30, Heck discloses a voice authentication system where an enrollment module to retrieve voice signals from the authorized system users and process the authorized system user voice signals to produce the voice information for storage in the storage unit in Column 4, lines 54-67, Column 5, lines 1-51. Therefore, it would be obvious to a person having ordinary skill in the art at the time the invention was to modify Talmor et al.'s voice authentication system by combining Heck's enrollment module system. Heck's enrollment module allows the user's voiceprint of the password to be stored for future verification obviating




the need for a speech recognizer and knowledge verifier. (See Column 6, lines 43-49).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 703-305-8293. The examiner can normally be reached on Mon - Wed. 6:00 - 6:00 pm; Thur. 6:00 -10 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 703-306-3036. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
cdf  
July 19, 2004

  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
Art Unit 2137